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Toshiki Mori

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EXAMINER

ROBINSON BOYCE, AKIBA K

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIKI MORI, MINORU KURIKI,
YASUYUKI JINBO, KIYOTO NAGANUMA,
and
MASAO AIHARA

Appeal 2009-001394
Application 09/487,265
Technology Center 3600

Decided:¹ June 29, 2009

Before MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and BIBHU
R. MOHANTY, *Administrative Patent Judges*.

JOSEPH A. FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

¹The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. §§ 6(b) and 134(a) (2002) from the final rejection of claims 1-4, 6-8, 15-18, 21-23, and 29. Claims 5, 9-14, 19, 20 and 24-28 have been cancelled. An Oral Hearing was held on May 21, 2009.

We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

Representative claim 1 reads as follows:

1. A message processing apparatus, comprising:
 - a message generation unit generating a job completion date message to which attached is an entry space for entering a completion date offer indicating a completion date a receiver of a group who has been assigned to the job desires to agree to place in the completion date offer entry space in the message;
 - an acquisition unit transmitting the job completion date messages to a plurality of receivers of the group and receiving each completion date offer that is entered by the receivers; and
 - a control unit causing a terminal device of the transmitter apparatus at the transmitter of the message to display the completion date offers of the receivers together with a decision result with respect to the completion date offers of the receivers.

The references set forth below are relied upon as evidence of obviousness.

Oliver
Nakaoka

US. 5,907,490
US 6,092,048

May 25 , 1999
Jul. 18, 2000

The Examiner rejected claims 1-4, 6-8, 15-18, 21, 22-23, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Oliver in further view of Nakaoka.

Each of independent claims 1, 15, 17, 21, and 22 requires:

1. an entry space for entering a completion date offer;
2. a terminal device/control unit/program part (for) displaying the completion date offers of the receivers together with a decision result with respect to the completion date offers of the receivers.

The Examiner found that

the transmission of a job completion message is represented by presentation of initial EV information, which includes percent complete information as shown in Col. 8, lines 21-29, also Col. 8, line 67-Col. 9, line 4, where the job completing message transmitted is represented by the user clicking on the number on the screen in order to receive percent of project complete information, in addition, Col. 9, lines 4-9 shows the job completion reply since a response about the percent of a project completed is disclosed);

(Answer 4.)

A review of Oliver however reveals a software system in which input by a user occurs when task data is initially entered thereby resulting in

monitoring and assessing the performance of a project by entering task data for each task of the project in a project management software, obtaining the task data from the project management software, calculating a current earned value position, obtaining historical earned value positions if any exists, and displaying the current earned value position and any historical earned value positions.

(Oliver, col. 2, ll. 45-52.)

Other interactions by the user in Oliver only involve a series of set up responses requiring either a negative or positive answer at process stages, and do not require entry of data against which a decision result is applied. (See, Oliver, col. 7, ll. 11-50.)

The response in Oliver referenced by the Examiner's finding above is generated by the system in response to an operator desiring additional information. That is, in Oliver

[i]f an operator desires additional information explaining the EV information or EV-related information, an operator may click on a button associated with different display fields. When this is done, the information is evaluated to provide conditional narrative information based on the current EV information or EV-related information as calculated.

(Oliver, col. 8, ll. 55-60.)

Thus, at best, Oliver discloses system-generated data presentation based on calculated data, and not a response generated from data inputted into a space as required by each of the independent claims. Furthermore, nowhere in either Oliver or Nakaoka is it disclosed or made obvious to display the response data, e.g., the completion date offers of the receivers, *together with a decision result*. This is because in Oliver there is no decision involved, just the unilateral presentation of data off a data point selected from a graph. Also, with respect to some other independent claims, the display in Oliver does not function to tabulate the replies from data taken from the space entry because it does not function in that manner. Rather, results are based on schedule performance driven by a baseline planning formulae (Oliver, col. 2, ll. 8-17).

Accordingly, we cannot sustain the rejection of independent claims 1, 15, 17, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Oliver in further view of Nakaoka.

With regard to the remaining rejected dependent claims, because these claim rejections rely upon the underlying rejection of independent claims, we also reverse the Examiner's rejection of these claims. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988).

REVERSED

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